

HOUSE BILL No. 1661

DIGEST OF INTRODUCED BILL

Citations Affected: IC 14-8-2-318; IC 15-5-19.

Synopsis: Domesticated deer farms. Establishes a permit process to operate a cervidae livestock facility. Provides procedures for the Indiana state board of animal health to issue permits to persons who meet certain requirements. Requires the cervidae livestock facility to be inspected and wild and free ranging cervidae to be removed from the facility before a permit is approved. Provides for penalties.

Effective: July 1, 2001.

Herrell, Friend, Lytle, McClain

January 17, 2001, read first time and referred to Committee on Agriculture, Natural Resources and Rural Development.

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First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE BILL No. 1661

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 14-8-2-318 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 318. "Wild animal" has
3 the following meaning:

4 (1) For purposes of IC 14-22, except as provided in subdivision
5 (2), an animal whose species usually:

6 (A) lives in the wild; or

7 (B) is not domesticated.

8 (2) For purposes of IC 14-22-38-6, the meaning set forth in
9 IC 14-22-38-6.

10 **The term "wild animal" does not include cervidae located on a**
11 **cervidae livestock operation under IC 15-5-19.**

12 SECTION 2. IC 15-5-19 IS ADDED TO THE INDIANA CODE AS
13 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
14 1, 2001]:

15 **Chapter 19. Cervidae Livestock Operations**

16 **Sec. 1. As used in this chapter, "board" refers to the Indiana**
17 **state board of animal health established by IC 15-2.1-3-1.**



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Sec. 2. As used in this chapter:

- (1) "cervidae livestock facility" means privately owned cervidae livestock on privately owned land that is operated to produce, grow, propagate, use, harvest, transport, export, import, or market cervidae species or cervidae products; and
- (2) "cervidae livestock facility" means an agricultural enterprise that raises cervidae as domestic animals and is part of the farming and agricultural industry in Indiana.

Sec. 3. (a) This chapter does not give a cervidae livestock facility the authority to take wild or free ranging cervidae, unless authorized by the department of natural resources.

(b) A person who has a cervidae livestock operation permit is not required to obtain a license or permit from the department of natural resources to harvest privately owned cervidae.

Sec. 4. A person must obtain a cervidae livestock operation permit to operate a cervidae livestock facility.

Sec. 5. (a) To apply for an initial cervidae livestock operation permit, a person must submit to the board the following:

(1) An application with the following information:

- (A)** The name and address of the applicant.
- (B)** The location of the proposed cervidae livestock facility, including the legal description of the land, the size of the land, and address.
- (C)** The cervidae species and the maximum number of cervidae proposed to be allowed at the cervidae livestock facility location.
- (D)** The applicant's business plan, including the methods, protocols, and procedures the person intends on implementing to comply with this chapter.
- (E)** The actions and precautions taken to prevent the transmission of disease among or between wild or free range cervidae and privately owned cervidae, including methods of fencing and animal identification.
- (F)** The proposed method to remove wild or free ranging cervidae from the proposed facility, and the proposed method to verify that the wild or free ranging cervidae have been removed, if applicable.
- (G)** The record keeping system that will be used.
- (H)** The current zoning ordinances that apply to the proposed facility.
- (I)** Any ordinances concerning fences that apply to the facility.



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- 1 (J) Any other information required by the board.
- 2 (2) Pays the application fee determined by the board.
- 3 (b) The board shall forward a copy of the initial application to
- 4 the department of natural resources and each local unit of
- 5 government where the proposed cervidae livestock facility will be
- 6 located. Within thirty (30) days of receipt of the application:
- 7 (1) the department of natural resources may respond to the
- 8 board concerning the applicant's methods to remove wild
- 9 cervidae from the proposed facility and the impact the facility
- 10 will place on wildlife habitat and migration corridors; and
- 11 (2) the local unit of government may respond to the board
- 12 indicating if the applicant's cervidae livestock facility would
- 13 violate a local zoning or fence ordinance.
- 14 Sec. 6. The board shall inspect a proposed cervidae livestock
- 15 facility not more than thirty (30) days after the applicant has
- 16 informed the board that the facility is completed and ready to be
- 17 inspected.
- 18 Sec. 7. (a) The board shall issue an initial cervidae livestock
- 19 operation permit to a person when the following requirements have
- 20 been met:
- 21 (1) A completed application has been submitted.
- 22 (2) The application fee has been paid.
- 23 (3) The cervidae livestock facility has been inspected and
- 24 meets the board's:
- 25 (A) operational standards; and
- 26 (B) fencing and construction requirements.
- 27 (4) The facility complies with the business plan submitted to
- 28 the board.
- 29 (5) The wild or free ranging cervidae species have been
- 30 removed from the cervidae livestock facility.
- 31 (6) The applicant can appropriately identify the facility's
- 32 individual cervidae.
- 33 (7) The cervidae livestock facility complies with local zoning
- 34 ordinances.
- 35 (b) If the board denies an applicant a cervidae livestock
- 36 operation permit, the board shall give the applicant a written
- 37 denial that specifies the deficiencies that need to be corrected in
- 38 order for a permit to be issued. Without filing a second application,
- 39 an applicant may submit a revised application and request a
- 40 second inspection after the deficiencies have been corrected.
- 41 (c) A cervidae livestock operation permit expires three (3) years
- 42 from the date the permit is issued.

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1 **Sec. 8. A cervidae livestock operation permit must contain the**
 2 **following information:**

3 **(1) The complete name, business name, and business address**
 4 **of the cervidae livestock facility permit holder.**

5 **(2) The permit registration number and expiration date.**

6 **(3) The complete address of the cervidae livestock facility**
 7 **location.**

8 **(4) The cervidae species and the maximum number of**
 9 **cervidae allowed at the cervidae livestock facility location.**

10 **(5) The complete name, address, and telephone number of the**
 11 **board contact person concerning cervidae livestock**
 12 **operations.**

13 **Sec. 9. The board shall adopt rules under IC 4-22-2 to regulate**
 14 **the following:**

15 **(1) The operational standards for cervidae livestock facilities.**

16 **(2) Application and renewal fees. The fees must be determined**
 17 **by the size of the facility and the number of cervidae located**
 18 **at the facility. However, the fees may not exceed five hundred**
 19 **dollars (\$500) per facility.**

20 **(3) Fence height and construction requirements for different**
 21 **species of cervidae.**

22 **(4) Standards to appropriately identify individual animals.**

23 **(5) Standards and procedures to renew or amend cervidae**
 24 **livestock operation permits.**

25 **(6) Any other matters that are necessary to implement this**
 26 **chapter.**

27 **Sec. 10. (a) The board shall send a cervidae livestock operation**
 28 **permit holder a renewal application sixty (60) days before the**
 29 **expiration of the holder's permit.**

30 **(b) If the holder of a cervidae livestock operation permit**
 31 **submits a complete renewal application and renewal fee to the**
 32 **board before the expiration of the permit, the expiration of the**
 33 **current permit is extended until the renewal application is**
 34 **approved or denied.**

35 **Sec. 11. The board may inspect any cervidae livestock facility**
 36 **and collect samples or specimens at the facility during normal**
 37 **business hours.**

38 **Sec. 12. If a cervidae livestock facility is sold or transferred, the**
 39 **new owner shall inform the board in writing not more than ten (10)**
 40 **business days after the sale or transfer. The new owner of the**
 41 **cervidae livestock facility may operate under the existing cervidae**
 42 **livestock operation permit for:**



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1 (1) one hundred eighty (180) days; or
2 (2) until the existing permit expires;
3 whichever comes first.

4 **Sec. 13. (a) A person may not release cervidae from a cervidae**
5 **livestock facility into the wild.**

6 **(b) A holder of a cervidae livestock operation permit shall**
7 **inform the board within one (1) business day if a cervidae escapes**
8 **from a cervidae livestock facility.**

9 **(c) A person shall not intentionally or knowingly cause the**
10 **ingress of wild cervidae into a cervidae livestock facility.**

11 **Sec. 14. The board shall deny, suspend, revoke, or limit a**
12 **cervidae livestock operation permit if, after a hearing, the board**
13 **determines that the applicant or holder of the permit has failed to**
14 **comply with this chapter or standards adopted by the board.**

15 **Sec. 15. A person who recklessly, knowingly, or intentionally**
16 **violates section 4 or 13 of this chapter commits a Class B**
17 **infraction.**

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